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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/770,070 | 01/24/2001 | Michael Lunsford | PALM-3238.US.P | 7197 |

7590 01/07/2005

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| EXAMINER |
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MEHRPOUR, NAGHMEH

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| ART UNIT | PAPER NUMBER |
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2686

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,070

Applicant(s)

MICHAEL LUNSFORD ET AL.

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-9, 29-30, 32-34**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. (US Patent number 2002/0035404 A1) in view of Pepe et al. (US Patent Number 5,742,905).

Regarding **claims 1, 29-30**, Ficco teaches a system and comprising:

a computing device that uses a radio frequency (RF) technology (page 8 section 0099, page 9 section 104) for wirelessly transmitting a control signal based on an occurrence of scheduled a time, and date (page 11 section 124), the utilizing performed by a portable computing device (Page 3 section 0036);

a device for receiving the control signal and performing an action corresponding to the control signal, **the device for wirelessly transmitting status information to the**

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status information comprises the action currently being or having been performed by the device (page 3 section 0037);

wherein the portable computing device remotely triggers the device to perform the action (page 10 sections 0122, 0123).

Ficco does not mention that the portable device is a PDA. However, Pepe teaches a mobile communication subscriber has various portable messaging equipments, such as PDA, cellular phone, and pager (col 5 lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, activate/deactivate or change the conditions of items remotely.

Regarding **claim 2**, Ficco teaches a portable computing device (page 3 section 0041).

However Ficco does not mention that the portable device is a PDA. Pepe teaches a mobile communication subscriber has various portable messaging equipments, such as PDA, cellular phone, and pager (col 5 lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, activate/deactivate or change the conditions of items remotely.

Regarding **claim 3**, Ficco fails to teach a system wherein the device is for wirelessly transmitting an acknowledgement signal to the portable computing device. However Pepe

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teaches teach a system wherein the device for wirelessly transmitting an acknowledgement signal to the portable computing device (col 19 lines 45-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, and change the conditions of items remotely.

Regarding **claims 4, 8, 32**, Ficco modified by Pepe fails to teach a system wherein the radio frequency technology comprises IEEE 802.11 technology, HOMERF technology, and Blue tooth technology. However the use of radio frequency technology comprising: IEEE 802.11 technology, HOMERF technology, and Blue tooth technology are well known in the art. Therefore, the examiner takes official notice that, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement using RF teaching such as IEEE 802.11 technology, HOMERF technology, and Blue tooth, technology with Ficco modified by Pepe, in order to enable the users to automatically detect, activate/deactivate or changing the conditions of items remotely by using a short rang or a long range.

Regarding **claim 5**, Ficco teaches a system wherein a computing device for wirelessly transmitting a second control signal based on an occurrence of a second scheduled time and date, the second control signal for causing the device to discontinue performing the action (page 11 section 0124). Ficco does not mention that the portable device is a PDA. However, Pepe teaches a mobile communication subscriber has various portable

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messaging equipments, such as PDA, cellular phone, and pager (col 5 lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, activate/deactivate or change the conditions of items remotely.

Regarding **claim 6**, Ficco teaches a system wherein the action is activating the device deactivating the device or adjusting a setting of the device (page 10 section 0123).

Regarding **claims 7, 33**, Ficco teaches a system wherein the device is a television, a thermostat, a videocassette recorder (VCR), a coffee maker (page 1 section 0009), a computer system, a security system or a radio. a sprinkler system, a security system, or a radio (page 3 section 0040)

Regarding **claim 9**, Ficco fails to teach that the **PDA** wirelessly retransmitting the control signal at a regular interval of time to trigger the device to perform the action.

However Pepe teaches that A PDA wirelessly retransmits the control signal at a regular interval of time to trigger the device to perform the action (col 18 lines 29-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Ficco with Pepe, in order to automatically provide recording of each of a plurality of desired TV programs between predetermined times.

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Regarding **claim 34**, Ficco teaches that the method **wherein the status information comprises the action currently being or having been performed by the device** (page 9 sections 0099, 0104).

3. **Claims 10, 15-28**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. (US Patent number 2002/0035404 A1) in view of Pepe et al. (US Patent Number 5,742,905) in further view of Bentley (US Patent Number 6,591,094 B1).

Regarding **claim 10**, Ficco modified by Pepe fails to teach a system wherein the **PDA** for alarming before wirelessly transmitting the control signal to trigger the device to perform the action. However Bentley teaches a system wherein the portable computing device for alarming before wirelessly transmitting the control signal to trigger the device to perform the action (page col 5 lines 39-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley with Ficco, in order to allow the user monitoring and control of selected conditions and functions.

Regarding **claim 15**, Ficco teaches a system/device comprising:

a portable computing device for wirelessly transmitting a control signal based on an occurrence even, and the device wirelessly receiving said control signal and performing an action corresponding to said control signal (page 3 section 0036);

wherein the portable computing device remotely triggers the device to perform the action (page 10 sections 00122, 01237);

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a device utilizing communication technology to wirelessly transmit a control signal based on an occurrence of a predefined time and day (page 11 section 0124).

Ficco does not teach the device is a PDA **for alarming before wirelessly transmitting the control signal, the alarming provides ability to cancel the action**. However Pepe teaches that a PDA that wirelessly transmits a control signal based on an occurrence of a predefined time (col 17 lines 50-65, col 18 lines 11-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco, in order to increase speed and improve quality of providing information about user items, and allow a user to control specific events or conditions when selected condition occurs, and to automatically detect, activate/deactivate or change the conditions of items remotely. Ficco modified by Pepe fails to teach a system wherein the portable computing device for alarming before wirelessly transmitting the control signal to trigger the device to perform the action. However Bentley teaches a system wherein the portable computing device for alarming before wirelessly transmitting the control signal to trigger the device to perform the action (page col 5 lines 39-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley's with Ficco modified by Pepe, in order to allow the user monitoring and control of selected conditions and functions.

Regarding **claim 16**, Ficco teaches a system teaches a system wherein the device is a television, a thermostat, a videocassette recorder (VCR), a coffee maker (page 1 section

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0009), a computer system, a security system or a radio. a sprinkler system, a security system, or a radio (page 3 section 0040).

Regarding **claim 17**, Ficco fails to teach a system teaches a system wherein the device wirelessly transmits status information to the personal digital assistant. However Pepe teaches that the portable computing device/ Personal communication device/PDA that wirelessly transmits information (col 17 lines 50-65, col 18 lines 11-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Bentley, in order to increase speed and improve quality of providing information about user items, and allow a user to control specific events or conditions when selected condition occurs, and to automatically detect, activate/deactivate or change the conditions of items remotely. Ficco modified by Pepe fails to teach a system wherein the device wirelessly transmits status information.

However, Bentley teaches a system wherein the device wirelessly transmits status information (col 8 lines 14-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley with Ficco modified by Pepe, in order to allow the user monitoring and control of selected conditions and functions.

Regarding **claim 18**, Ficco fails to teach that the **PDA** wirelessly retransmitting the control signal at a regular interval of time to trigger the device to perform the action.

However Pepe teaches that A PDA wirelessly retransmits the control signal at a regular interval of time to trigger the device to perform the action (col 18 lines 29-45). Therefore,

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it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Ficco with Pepe, in order to automatically provide recording of each of a plurality of desired TV programs between predetermined times.

Regarding **claim 19**, Ficco modified by Pepe fails to teach a system wherein the radio frequency technology comprises IEEE 802.11 technology, HOMERF technology, and Blue tooth technology. However the use of radio frequency technology comprising: IEEE 802.11 technology, HOMERF technology, and Blue tooth technology are well known in the art. Therefore, the examiner takes official notice that, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement using RF teaching such as IEEE 802.11 technology, HOMERF technology, and Blue tooth, technology with Ficco, in order to enable the users to automatically detect, activate/deactivate or changing the conditions of items remotely by using a short rang or a long range.

Regarding **claims 24-25**, Ficco teaches a system wherein the action comprises: the operation of activating/deactivating **the device** (page 11 section 0124).

4. **Claims 11-14, 31**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US Patent Number 2002/0035404 A1) in view of Pepe et al. (US Patent Number 5,742,905) and further in view of Mahany et al. (US Patent Number 5,657,317).

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Regarding **claims 11-13**, the combination of Ficco and Pepe does not specifically mention that the system comprises: a relay for wirelessly extending the communication range between the **PDA** and the device. However Mahany teaches a system comprises: a relay (35, 36) for wirelessly extending the communication range between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Ficco modified by Pepe, in order, for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claims 14, 31**, the combination of Ficco and Pepe fails to teach a system comprising: a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). However Mahany a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of the combination of Ficco and Pepe with, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

5. **Claims 20-23**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US Patent Number 2002/0035404 A1) in view of Pepe et al. (US Patent Number 5,742,905) and Bentley in further view of Mahany et al. (US Patent Number 5,657,317).

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Regarding **claims 20-21**, Ficco modified by Pepe and Bentley does not specifically mention that the system comprises: a relay for wirelessly extending the communication range between the **PDA** and the device. However Mahany teaches a system comprises: a relay (35, 36) for wirelessly extending the communication range between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Ficco modified by Pepe and Bentley, in order, for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claim 22**, Ficco modified by Pepe and Bentley does not specifically mention that system comprises: a relay (wirelessly) coupled to the device. However Mahany teaches a system wherein a relay 3007 wirelessly coupled to the device (controller, 3017, see figure 28A). The terminal 3007 is acting as a relaying device. For example, to reach the base station 3015 the commuting device 3009 first transmits to the mobile terminal 3007, and the mobile terminal 3007 relays the signal to the base station 3015 (see figure 28A). Upon receipt, the mobile terminal 3007 relays the transmission, and forwarded to one of the base stations 3015/3017 (col 45 lines 7-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Ficco modified by Pepe and Bentley, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection. Since the mobile terminal (relay)

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wirelessly coupled to the base station 3017 and the computing portable device 3009.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention for the purpose of having the fix station, physically couple the relay to the device, instead of wirelessly.

Regarding **claim 23**, Ficco modified by Pepe and Bentley fails to teach a system comprising: a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). However Mahany a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of the combination of Ficco and Pepe modified by Bentley, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

6. **Claims 26-28**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US Patent Number 2002/0035404 A1) and Pepe et al. (US Patent Number 5,742,905) and Bentley in further view of Kim et al. (US Patent Number 6,118,926).

Regarding **claims 26-28**, Ficco further teaches a system wherein the action comprises: monitor conditions of user vehicle, home alarm system that detects emergency conditions, intrusion burglary of a users home or business, activate/de-activate home system such as heating or hot water system, the status of door sensors, window sensors,

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smoke detectors, fire and flood sensors or any abnormal condition results in immediate notification to the home owner (col 3 lines 55-67), by using electronic mail, facsimile, pager telephone over telephone or public information network such as Internet (col 1 lines 5-11). Ficco modified by Pepe and Bentley does not specifically mention that the system actions comprise: recording a television show, adjusting, a setting, and downloading the show. However Kim teaches a system wherein the action comprises recording and adjusting, and setting a television show (col 2 lines 1-40, col 3 lines 53-65). Since downloading is part of the recording procedures, therefore, Kim further inherently teaches downloading (col 1 lines 63-67, col 2 lines 1-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Kim with Ficco modified by Pepe and Bentley, in order to automatically provide recording of each of a plurality of desired TV programs between predetermined times.

Response to Arguments

7. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 703-308-7159. The examiner can normally be reached on 8:00- 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

January 5, 2005

MELODY MENTPOU
REGISTERED

